

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 6478 of 1985

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

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VINODBHAI N SHRIMALI

Versus

EXECUTIVE ENGINEER

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Appearance:

None present for Petitioner

MR HL JANI for Respondents No. 1, 2, 3

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CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 02/12/97

ORAL JUDGEMENT

1. Heard the learned counsel for the respondents and perused the special civil application.

2. Challenge has been made by the petitioner by this special civil application to the order of the respondent, annexure 'C' dated 24th March, 1982 under which his services were terminated and further the judgment of the Gujarat Civil Services Tribunal, Gandhinagar, annexure

`G' dated 8th November, 1985 under which the said order has been confirmed.

3. The services of the petitioner were terminated on the misconduct of his remaining absent from duties for the period from 26th October, 1981 to 12th June, 1982. Even after he was given the notice to join the services he has not joined the services. Taking it to be a case of absent without there being any justification whatsoever, the petitioner's services were terminated. Admittedly, the petitioner was a work-charged employee and had entered in the services only on 26th November, 1979 and within a period of less than two years of services, he absented himself from services, and as such, no illegality has been committed by the respondent-Department in terminating his services. The Tribunal has also considered all the aspects of the matter and it has rightly confirmed the said order. If an employee, who has hardly two years of services, remains absent without prior intimation or approval of leave for such a long period, he cannot be said to be a fit person to be retained in the services.

4. In the result, this special civil application fails and the same is dismissed. Rule discharged. Interim relief, if any, granted by this Court stands vacated. No order as to costs.

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